

### Land Requirements for Construction

The proposed storage field site would be comprised of both state and private land totaling approximately 2,050 acres. Approximately 710 acres would be required for permanent facilities and 40 acres for temporary construction. Construction of the proposed pipeline would result in a temporary disturbance of approximately 708 acres.

The proposed 36-inch-diameter pipeline would generally be installed on BLM, state, and private land within a 100-foot-wide construction right-of-way. At certain locations (e.g., road, railroad, and waterbody crossings), extra workspaces would be required. MGS would retain a 50-foot-wide permanent right-of-way for the pipeline.

### The EA/NEPA Process

NEPA requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. The EA is being prepared to serve that purpose. NEPA also requires Commission staff and its cooperators to discover and address concerns the public may have about the proposal. This process is referred to as “scoping.” The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this NOI, the Commission and BLM staff request public comments on any issues that may arise during the scoping period and need to be addressed in the EA/Draft RMP Amendment. All scoping comments received will be considered during the preparation of the EA/Draft RMP Amendment.

In the EA, we will discuss impacts that could occur as a result of the construction and operation of the proposed Project under these general headings:

- Geology and soils;
- Mineral resources;
- Land use (recreation, aesthetics/visual resource management, special designations, and livestock grazing);
- Water resources, riparian zones, and wetlands;
- Cultural resources;
- Vegetation;
- Fisheries and wildlife;
- Endangered and threatened species;
- Air quality and noise; and
- Public safety.

We will also evaluate possible alternatives to the proposed Project, and make recommendations on how to

lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's Pre-filing Process. The purpose of the Pre-filing Process is to seek public and agency input early in the Project planning phase and encourage early involvement of interested stakeholders in a manner that allows for the early identification and resolution of environmental issues before an application is filed with the FERC. The BLM has agreed to conduct its work with all interested stakeholders to identify and attempt to address issues before and throughout the application process.

As part of our Pre-filing Process review, FERC has begun to contact some federal and state agencies to discuss their involvement in the scoping process and the preparation of the EA. In addition, representatives from the FERC participated in a public open house sponsored by MGS in Delta, Utah on March 3, 2009, to explain the environmental review process to interested stakeholders. On April 8, 2009, the FERC conducted an interagency meeting with agencies and MGS in Salt Lake City, Utah. The purpose of the meeting was to explain the FERC's process and solicit comments and concerns about the MGS's Project from other jurisdictional agencies.

Our independent analysis of the issues will be discussed in the EA. The EA/Draft RMP Amendment will be published and mailed to federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding.

A 30-day review and comment period will be provided when the EA/Draft RMP Amendment are published. The Proposed Plan Amendment for the Pony Express RMP will be provided a 30-day protest period at that time, commensurate with a 60-day Governor's Consistency Review in accordance with Title 43 CFR Part 1600. All comments on the EA will be considered before the recommendations to the Commission are made. To ensure your comments are considered, please carefully follow the instructions in the Public Participation section below.

### The BLM's Plan Amendment Process

As discussed above, the EA will analyze the impacts of amending the Pony Express RMP to accommodate the Proposal. An amendment is required because the Pony Express RMP (1990)

does not currently allow for major rights-of-way to be placed outside of identified utility corridors. Publication of this notice formally initiates the plan amendment process and begins the scoping process. An interdisciplinary approach will be used to develop the EA in order to consider a variety of resource issues and concerns identified. An amendment to the Pony Express RMP will be based upon the following planning criteria:

- The amendment will be completed in compliance with the Federal Land Policy and Management Act (FLPMA), NEPA and all other relevant Federal law, Executive Orders and management policies of the BLM;
- Where existing planning decisions are still valid, those decisions will remain unchanged and be incorporated into the new amendment;
- The amendment will recognize valid existing rights; and
- Native American Tribal consultations will be conducted in accordance with policy and tribal concerns will be given due consideration. The planning process would include the consideration of any impacts on Indian trust assets.

The BLM regulations in Title 43 CFR Part 1600 and the NEPA process detailed in the Council on Environmental Quality regulations in Title 40 CFR Parts 1500–1508 guide preparation of plan amendments. The process is tailored to the anticipated level of public interest and potential for significant impacts.

Plan amendments (see Title 43 CFR Part 1610.5–5) change one or more of the terms, conditions, or decisions of an approved land use plan. These decisions may include those relating to desired outcomes; measures to achieve desired outcomes, including resource restrictions; or land tenure decisions. Plan amendments are required to consider any proposal or action that does not conform to the plan.

An applicant may request that the BLM amend the land use plan to allow an otherwise non-conforming proposal. The amendment and any implementation actions (*i.e.*, granting the Right-of-Way and Temporary Use Permit) may be considered together. However, at the decision stage, the land use plan decisions must be separated from the implementation decisions.

### Currently Identified Environmental Issues

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed Project. We have already identified several issues that we think

instructions on connecting to eLibrary refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.